

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**FREDERICK PHILLIPS,**

**Appellant,**

**v.**

**1:15-cv-4018-WSD**

**LI CHEN and WAI CHEN,**

**Appellees.**

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**OPINION AND ORDER**

On November 18, 2015, Appellant Frederick Phillips filed his Notice of Appeal [1] from an order entered by the United States Bankruptcy Court for the Northern District of Georgia. On April 1, 2016, the Court entered an Order [3] requiring Appellant to pay, on or before April 15, 2016, the required filing fee of \$298. The Court advised Appellant that failure to comply with the Order will result in dismissal of this action pursuant to Local Rule 41.3(A)(2), NDGa, for failure to obey a lawful order of the Court. (Order at 2). The record reflects that Appellant has not paid a filing fee for the appeal.

Rule 8003(3)(C) of the Federal Rules of Bankruptcy Procedure requires that a notice of appeal must be accompanied by the prescribed fee. The Court's local rules provide that "[t]he court may, with or without notice to the parties, dismiss a

civil case for want of prosecution if: . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” LR 41.3(A)(2), NDGa; see also BLR 7041-1(a)(2), NDGa; In re Arnold, 166 F. App’x 424, 424-25 (11th Cir. 2006) (district court did not abuse its discretion in dismissing bankruptcy appeal for failure to comply with the court’s order to pay filing fee.)<sup>1</sup>

Appellant failed to pay the required fee, and failed to comply with the Court’s Order after being advised that failure to comply will result in dismissal of this action. This action is dismissed pursuant to Local Rule 41.3(A)(2).


For the foregoing reasons,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** pursuant to Local Rule 41.3(A)(2) for failure to comply with a lawful order of the Court.

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<sup>1</sup> The Federal Bankruptcy Rules apply to bankruptcy proceedings adjudicated in district court. Rosenberg v. DVI Receivables XIV, LLC, — F.3d —, —, 2016 WL 1392642, at \*3 (11th Cir. Apr. 8, 2016). Rule 9029(a)(1) of the Federal Rules of Bankruptcy Procedure provides that district courts may “make and amend rules governing practice and procedure in all cases and proceedings within the district court’s bankruptcy jurisdiction which are consistent with . . . these rules . . . .”

**SO ORDERED** this 19th day of April, 2016.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE